

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 251 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PRAVINKUMAR J SHAH

Versus

ANAND DUDH VAPARNARI &MADHYASTGRAHAL SAHKARI MANDLI LTD.

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Appearance:

MR DC DAVE for Appellants

MR HM PARIKH for Respondent No. 1

DS AFF.NOT FILED (R) for Respondent No. 2, 3, 4, 5

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CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 01/12/98

ORAL JUDGEMENT

1. On a joint request of learned counsel for the parties, this appeal is taken up for final hearing today.

2. As a result of the hearing and discussion, a consensus has been arrived at between the learned counsel on the basis of which it is directed that my earlier order dated 29th September, 1998 in the above Civil

Application shall be treated as the final order in the present appeal. Accordingly, the present appeal stands disposed off with no order as to costs.

3. However, on joint request of the learned counsel and by consensus, it is further directed as under.

A. The trial court shall hear and dispose off the pending suit as expeditiously as possible and in any case, not later than 31st August, 1999. Obviously, the order passed in the appeal shall continue to operate until the suit is disposed off. However, if the suit is not disposed off by due date, it shall be open to the trial court to record a finding (after hearing the parties), as to whether the plaintiffs were responsible for the delay and non disposal of the suit as directed hereinabove. If the trial court records a finding that it was the plaintiffs who were responsible for the delay, the order in the appeal shall stand vacated ipso facto without any further orders in this regard.

4. The Registry is directed to send yadi to the trial court forthwith i.e. not later than 5th December, 1998. Direct service is also permitted.

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